

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ERICK JEOVANNY RUIZ PEREZ,

Plaintiff,

AMENDED JUDGMENT

v.

22-CV-6353(DG)

E.P.E ENTERPRISE CORP., JERUSALEM
BEDDING CORP., PIERO TEJADA MAGANA,
and CHRISTINA ACEVEA,

Defendants.

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An Order of Honorable Diane Gujarati, United States District Judge, having been filed on October 17, 2023, adopting the Report and Recommendation of then Magistrate Ramon E. Reyes, dated August 29, 2023, granting in part and denying in part Plaintiff's Motion for Default Judgment, ECF No.17; awarding Plaintiff a total of \$112,106.90 in damages against Defendants E.P.E. Enterprise Corp. and Jerusalem Bedding Corp., jointly and severally, comprised of: \$37,083.14 in unpaid overtime wages, \$1,182 in unpaid spread-of-hours wages, \$38,265.14 in liquidated damages, \$10,000 in statutory damages; \$14,624.62 in prejudgment interest, plus \$9.43 per diem until the date that judgment is entered, post-judgment interest in accordance with 28 U.S.C. § 1961, and \$10,952 in attorney's fees and costs; denying Plaintiff's motion without prejudice as to Tejada Magana, and denying with prejudice as to Acevea; and the Clerk of Court having calculated the prejudgment interest at the rate set forth in the R&R, and the interest being \$19,095.75; and

An Order of Honorable Diane Gujarati, United States District Judge, having been filed on June 10, 2024, adopting the Report and Recommendation of Magistrate Joseph A. Marutollo, dated April 15, 2024, granting in part Plaintiff's Motion as follows: (1) a default judgment should be entered against the Defendant Tejada Magana ; and (2) Plaintiff should be awarded damages against Defendant Magana jointly and severally with Defendants E.P.E. Enterprise Corp. and Jerusalem Bedding Corp. comprised of (a) \$37,083.14 for unpaid overtime wage; (b) \$1,182.00 for unpaid spread of hour

wages; (c) \$38,265.14 in liquidated damages; (d) \$14,624.62 in prejudgment interest to increase by \$9.43 per day until the entry of judgment; (e) post-judgment interest as set forth in 28 U.S.C. § 1961(a); (f) attorneys' fees of \$9,000.00; and (g) costs of \$1,952.00, for a total award of \$102,106.90; dismissing Plaintiff's Fourth, Fifth, and Sixth causes of action without prejudice as to Defendant Magana for lack of standing; dismissing Plaintiff's claims against Defendant Acevea; and the Clerk of Court having calculated the prejudgment interest as set forth in the R&R, and the interest being \$19,350.36; it is further

ORDERED and ADJUDGED that judgment is hereby entered in favor of Plaintiff and against Defendants E.P.E ENTERPRISE CORP. and JERUSALEM BEDDING CORP., jointly and severally, in the amount of \$131,202.65 plus post-judgment interest in accordance with 28 U.S.C. § 1961; and against Defendant TEJADA MAGANA, jointly and severally, in the total amount of \$121,457.26 plus post-judgment interest in accordance with 28 U.S.C. § 1961; that Plaintiff's Fourth, Fifth, and Sixth causes of action are dismissed without prejudice for lack of standing as against Defendant Magana; and that Plaintiff's claims against Defendant Acevea are dismissed.

Dated: Brooklyn, NY
June 17, 2024

s/Brenna B. Mahoney
Brenna B. Mahoney
Clerk of Court